IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3563 of 1994

Between:

M.Seenappa, S/o.Mogarala Seetharamaiah,
R/o.Appenayani Palle H/o.Diguvapalle,
Kagathi Post, Chowdepalle Mandal, Chittoor District.

..... PETITIONER

AND

1 The Collector, Chittoor District, Chittoor.
2 The Revenue Divisional Officer, Madanapalle, Chittoor District.
3 The Mandal Revenue Officer, Chowdepalle, Chittoor District.
4 The Assistant Commissioner of Endowments, Chittoor.
5 The Executive Officer, Boyakonda Gangamma Temple,
Boyakonda, Village Diguvapalle, Chowdepalle Mandal,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or orders more particularly in the nature of Writ of Mandamus declaring the proposed acquisition of the petitioner's land comprised in S.No.24/6 of an extent of Ac.2.90 cents under "D" Form patta and the land comprised in S.No.24 of an extent of Ac.2.40 cents together bounded by East: Boyakonda Gangamma Temple Road, West: Yanamala Venkata Reddy land, North: Boyakonda Reserve Forest, South: Kesimireddykutna Marava situated in revenue village Diguvapalle, Kagathi Post, Chowdepalle Mandal, Chittoor District as being illegal, improper and unjust and arbitrary and direct respondent Nos.1 to 3 not to acquire the same.

Counsel for the Petitioner: MR. N.ASHOK KUMAR

Counsel for Respondents 1 to 4: GOVERNMENT PLEADER FOR REVENUE (ASSIGNMENTS)

Counsel for Respondent No.5: MR. M.VENKATARAMANA REDDY

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare the proposed acquisition of land in Survey No.24/6 admeasuring Ac.2-90 cents and the land in Suvery No.24 to the extent of Ac.2-40 cents, situated in Diguvapalle revenue village, Kagathi Post, Chowdepalle Mandal, Chittoor District, as illegal and arbitrary.

2. It is the case of the petitioner that he was already granted 'D' Form Patta to the extent of Ac.2-90 cents and for another adjoining land to the extent of Ac.2-40 cents, which is under his possession, he made a representation to the third respondent - Mandal Revenue Officer and the same is pending consideration. On the apprehension that respondents are proposing to acquire the land of the petitioner, this writ petition is filed.

3. When the matter has come up, it is stated by the learned Counsel for respondents that with regard to the land, which was already assigned, the same was cancelled and an appeal filed before the appellate authority is pending.

4. As much as the land is not yet notified, the petitioner cannot question the proposed acquisition at this stage. Even the 'D' Form Patta is cancelled and appeal is pending. It is for the appellate authority to decide the appeal with reference to the grounds raised in the appeal. So far as the present writ is concerned, on the ground that the said land is proposed to be acquired, the petitioner cannot seek a direction at this stage.

5. The writ petition is dismissed as premature. No costs.

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R.SUBHASH REDDY, J

Dated: 06th December, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector, Chittoor District, Chittoor.

2. The Revenue Divisional Officer, Madanapalle, Chittoor District.

3. The Mandal Revenue Officer, Chowdepalle, Chittoor District.

4. The Assistant Commissioner of Endowments, Chittoor,

Chittoor District.

5. The Executive Officer, Boyakonda Gangamma Temple,

Boyakonda, Village Diguvapalle, Chowdepalle Mandal,

Chittoor District.

6. Two CCs to the Government Pleader for Revenue (Assignments),

High Court Buildings, Hyderabad (O.U.T).

7. Two CD copies.